

REMARKS

The present application has been carefully studied and amended in view of the outstanding Office Action dated July 25, 2003, and reconsideration of the rejected claims is requested in view of the following comments.

A petition for a one-month extension of time accompanies this response. Accordingly, the deadline for responding to the Office Action has been extended until November 25, 2003. This response is being sent via facsimile on the date certified on the front page hereof so as to assure timeliness. The fee in the amount of \$110.00 is to be charged to Deposit Account No. 03-2775.

The fee in the amount of \$86.00 for the additional independent claim should be charged to Deposit Account No. 03-2775.

It is noted that the restriction requirement has been made final, and further that claims 21-31 and 35-43 stand withdrawn from further consideration in this application. Applicants will decide whether to file a divisional application on the subject matter of these claims.

Additionally, Applicants thank the Examiner for the official indication that claims 8-10, 12 and 16-20 contain allowable subject matter. Examiner Walls indicates that these claims would be allowable if rewritten in independent form including all the limitations of the base claim and intervening claims. Appropriate action will be taken should the base and intervening claims continue to be rejected.

The informalities concerning claims 5, 6 and 14 have been addressed by way of appropriate amendments, and these claims are now believed to be in proper form and in full compliance with 35 USC §112.

Sincere appreciation is extended to Examiner Walls for the courteous and helpful interview conducted on November 20, 2003, at the Patent and Trademark Office. The undersigned attorney and Charles E. B. Glenn, Esquire, Senior Patent Counsel of Philip Morris USA Inc. were present at the interview. The following discussion will make the substance of the interview a matter of record in the prosecution of this application. Throughout the interview the claims and the prior art, particularly Gentry et al US 5,568,819 ("Gentry"), were discussed. Gentry is the sole reference primarily relied upon in the Office Action.

At the outset all of the claims of the present application have been amended to recite a bed of adsorbing particles in the filter component. The claims (except claim 35 which presently is withdrawn from further consideration in this application) further recite at least one flavor-releasing component downstream of the bed of adsorbing particles for the purpose of releasing flavor to the mainstream smoke. Essentially, the multi-component filter of the present invention removes at least one smoke constituent from mainstream tobacco smoke and then releases flavor to the smoke at a downstream location.

As discussed at the interview, Gentry does not disclose or suggest a bed of adsorbent particles that function to remove at least one smoke constituent from mainstream tobacco smoke. Instead, Gentry simply describes filter paper with activated carbon material in powdered or fine grain form incorporated into the filter element as a component of the paper. The filter paper simply includes a carbonaceous material as a component thereof (Gentry, column 2, lines 23-28).

Applicants respectfully submit that the bed of adsorbent particles together with the downstream flavor-releasing component distinguish the present invention from the Gentry reference. The adsorbent particles are identified in the drawing by reference numeral 20, and these particles may have a mesh size of from 10 to 70, as explained in the specification on page 8, last two lines.

Although Gentry does include the statement at column 10, lines 1-2 that, "If desired, the filter materials which are used can have flavoring agents (e.g., menthol) incorporated therein", the only specifically disclosed flavored filter component is the carbon paper. Accordingly, Applicants' position is that this recitation of Gentry is directed to the carbon paper filter component and does not fairly suggest selective application of flavoring agents to other filter components nor the desirability of doing so.

Figure 5 of Gentry specifically shows a filter embodiment having an unflavored mouth piece component. Flavoring agents are discussed, but only in connection with the carbon containing paper. Moreover, none of the examples include flavor on any of the various components. For example, the eighth embodiment discussed in column 15 of Gentry includes a mouth piece 231, but no mention is made of any flavoring agent applied thereto.

In summary, Applicants respectfully submit that Gentry fails to disclose or suggest the combination of a bed of adsorbent particles and a downstream flavor releasing-component. All of the pending claims (other than claim 35) recite this combination and therefore distinguish over the Gentry reference.

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Accordingly, for the reasons discussed above it is believed that all of the rejected claims are directed to patentable subject matter and notice to that effect is respectfully requested.

Favorable consideration of newly presented claim 44 is respectfully requested

Respectfully submitted,

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